



Docket No.: 56301P5007

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

PETER C. ZHU, ET AL.

Application No.: 10/769,598

Filed: January 30, 2004

For: **GERMICIDAL COMPOSITIONS CONTAINING
PHENYLMALONALDEHYDE-TYPE COMPOUNDS, OR
MIXTURES OF PHENYLMALONALDEHYDE-TYPE
COMPOUNDS AND PHTHALALDEHYDES, AND
METHODS OF USING SUCH COMPOSITIONS FOR
DISINFECTION OR STERILIZATION**

Art Group: Not yet assigned

Examiner: Not yet assigned

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with the duty of disclosure, enclosed is a copy of IDS Citation Form PTO/SB/08 or PTO-1449, together with copies of the documents cited on that form, except for copies not required to be submitted (e.g., copies of U.S. patents and U.S. published patent applications need not be enclosed for applications filed after June 30, 2003). This IDS and IDS Citation Form are being submitted before the mailing of a first Office Action. It is respectfully requested that the cited references be considered and that the enclosed copy of PTO/SB/08 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

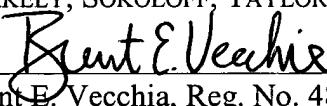
The submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made in the subject application and is not to be construed as an admission that the information cited in this statement is material to patentability.

Please charge any fees due to Deposit Account 02-2666. A duplicate copy of the Fee Transmittal (PTO/SB/17) is enclosed for this purpose.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

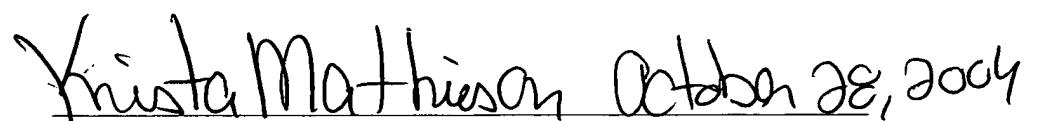
Date: 10-28-04



Brent E. Vecchia, Reg. No. 48,011, Reg. No.

12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025
Telephone: (303) 740-1980

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Krista Mathieson October 28, 2004
Krista Mathieson Date



US Department of Commerce Patent and Trademark Office	Atty. Docket No.:	Application No.:
	056301.P5007	10/769,598
	Applicant: Peter C. Zhu, et al.	
Filing Date: January 30, 2004		
Form PTO-1449 (Modified)		

US Patent Documents

Examiner's Initials	Date	Document Number	Name	Class	Sub-Class	Filing Date
	01/09/62	3,016,328	Pepper et al.			
	10/14/75	3,912,450	Boucher			
	07/06/76	3,968,248	Boucher			
	07/06/76	3,968,250	Boucher			
	03/13/84	4,436,754	Jacobs			
	06/03/86	4,592,892	Ueno et al.			
	09/01/87	4,690,772	Tell et al.			
	05/16/89	4,831,449	Kimura			
	07/11/89	4,847,304	Bruckner et al.			
	07/25/89	4,851,449	Bruckner et al.			
	11/20/90	4,971,999	Bruckner et al.			
	7/7/1992	5,128,051	Theis et al.			
	03/09/93	5,192,459	Tell et al.			
	02/14/95	5,389,685	Smith et al			
	02/27/96	5,494,637	Barlow			
	07/30/96	5,540,326	Arnold et al.			
	09/24/96	5,558,841	Nakagawa et al.			
	10/22/96	5,567,385	Miller et al.			
	12/23/97	5,700,377	Cox			
	06/02/98	5,761,069	Weber et al.			
	01/26/99	5,863,547	Miner			

Foreign Patent Documents

Examiner's Initials	Date	Document Number	Country	Class	Sub-Class	Translation
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Other Documents (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner	Date Considered
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Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw a line through the citation if not in conformance and not considered. Include a copy of this form with the next communication to the applicant

US Department of Commerce Patent and Trademark Office	Atty. Docket No.: 056301.P5007	Application No.: 10/769,598
	Applicant: Peter C. Zhu, et al.	
	Filing Date: January 30, 2004	
Form PTO-1449 (Modified)		

US Patent Documents

Examiner's Initials	Date	Document Number	Name	Class	Sub-Class	Filing Date
	08/10/99	5,936,001	Block			
	06/06/00	6,071,972	Block			
	06/27/00	6,080,789	Lutz			
	10/02/01	6,297,285	Lutz			
	10/30/01	6,309,658	Xia et al.			
	10/01/02	6,458,554	Hui et al.			
	10/10/95	DES. 363,019	Arnold et al.			

Foreign Patent Documents

Examiner's Initials	Date	Document Number	Country	Class	Sub-Class	Translation
	11/11/97	11-140010	JAPAN			Yes

Other Documents (Including Author, Title, Date, Pertinent Pages, etc.)

	CIDEX® OPA, High Level Disinfecting Solution, Technical Info. Advanced Sterilization Products®, © 2004. Pgs. 1-4.
	CIDEX® OPA Solution, And Speed Has Its Advantages! © ASP© 2001, 1 pg.
	CIDEX® OPA SOLUTION Retrieved on 8/7/2003; Retrieved online at: http://www.cidex.com/products_&_services/cidex/cidex_opa/index.asp . Pgs 1-2.
	E.G.M. Power & A.D. Russell; "Sporicidal action of alkaline glutaraldehyde: factors influencing activity and a comparison with other aldehydes"; Journal of Applied Bacteriology 1990,69, pgs. 261-268.
	Jose-Luis Sagripanti and Aylin Bonifacino; Food Biological Contaminants; "Effects of Salt and Serum on the Sporicidal Activity of Liquid Disinfectants"; Journal of AQAC International, Vol. 80, No. 6, 1997; pgs. 1198 - 1207.

Examiner	Date Considered

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US Department of Commerce Patent and Trademark Office Form PTO-1449 (Modified)	Atty. Docket No.: 056301.P5007	Application No.: 10/769,598
	Applicant: Peter C. Zhu, et al.	
	Filing Date: January 30, 2004	

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Foreign Patent Documents

Examiner's Initials		Date	Document Number	Country	Class	Sub-Class	Translation

Other Documents (Including Author, Title, Date, Pertinent Pages, etc.)

	Hiroshi KURONUMA, Journal of Japanese Society of Hospital Pharmacists, Vol. 36, No. 1, 2000. In Japanese; translation of introduction. "Stability of Ortho-Phthalaldehyde Solutions under Various Storage Conditions". Pgs. 55-58
	B. Setlow, et al.; "Mechanisms of killing spores of Bacillus subtilis by acid, alkai and ethanol"; Journal of Applied Microbiology 2002, 92, pgs. 362-375.
	Anthony C. H. Durham; "A Survey of Readily Available Chelators for Buffering Clacium ION Concentrations in Physiological Solutions", Cell Calcium 4: pgs. 33-46, 1983.
	S.D. Rubbo, et al.; (Symposium of Chemical Disinfection: Paper VIII); "Biocidal Activities of Glutaraldehyde and Related Compounds", 1967, J. Appl. Bact. 30(1) pgs. 78-
	Mislow et al., Optical Resolution of 1, 2, 5, 6-Dibenzocyclooctatetraene derivative. Journal of the American Chemical Society, vol 84, 1962 p3591-3592. August 3, 1962.

<i>Examiner</i>	<i>Date Considered</i>
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Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw a line through the citation if not in conformance and not considered. Include a copy of this form with the next communication to the applicant



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application No.	10/769,598
		Filing Date	January 30, 2004
		First Named Inventor	Peter C. Zhu
		Art Unit	Not yet assigned
		Examiner Name	Not yet assigned
Total Number of Pages in This Submission	8	Attorney Docket Number	56301P5007

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	Copies of eleven (11) of the cited references, the First Class Certificate of Mailing and a stamped return postcard.
<input checked="" type="checkbox"/> PTO/SB/08		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Basic Filing Fee		
<input type="checkbox"/> Declaration/POA		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

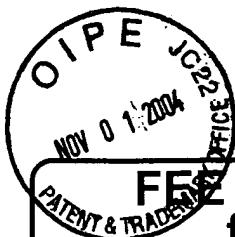
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011, Reg. No. 48,011 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	OCT. 28, 2004

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name	Krista Mathieson
Signature	
Date	October 28, 2004



Fee Transmittal for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	10/769,598
Filing Date	January 30, 2004
First Named Inventor	Peter C. Zhu
Examiner Name	Not yet assigned
Art Unit	Not yet
Attorney Docket No.	56301P5007

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1001	790	2001	395	Utility filing fee
1002	350	2002	175	Design filing fee
1003	550	2003	275	Plant filing fee
1004	790	2004	395	Reissue filing fee
1005	160	2005	80	Provisional filing fee
SUBTOTAL (1)		(\$)		

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid
<input type="text"/>	- 20** = <input type="text"/>	X <input type="text"/>	= <input type="text"/>	
<input type="text"/>	3 = <input type="text"/>	X <input type="text"/>	= <input type="text"/>	
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple Dependent claim, if not paid
1204	88	2204	44	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$)		

**or number previously paid, if greater. For Reissues, see below

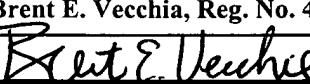
3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65 Surcharge - late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet.
2053	130	2053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	110	2251	55 Extension for reply within first month
1252	430	2252	215 Extension for reply within second month
1253	980	2253	490 Extension for reply within third month
1254	1,530	2254	765 Extension for reply within fourth month
1255	2,080	2255	1,040 Extension for reply within fifth month
1404	340	2401	170 Notice of Appeal
1402	340	2402	170 Filing a brief in support of an appeal
1403	300	2403	150 Request for oral hearing
1451	1,510	2451	1,510 Petition to institute a public use proceeding
1452	110	2452	55 Petition to revive - unavoidable
1453	1,370	2453	685 Petition to revive - unintentional
1501	1,370	2501	685 Utility issue fee (or reissue)
1502	490	2502	245 Design issue fee
1503	660	2503	330 Plant issue fee
1460	130	2460	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	790	1809	395 Filing a submission after final rejection (37 CFR § 1.129(a))
1810	790	2810	395 For each additional invention to be examined (37 CFR § 1.129(b))
1801	790	2801	395 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
Other fee (specify)			

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)	Brent E. Vecchia, Reg. No. 48,011	Registration No. (Attorney/Agent)	48,011	Telephone	(303) 740-1980
Signature				Date	10-28-04

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wlr) 02/10/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



FEE TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known	
Application Number	10/769,598
Filing Date	January 30, 2004
First Named Inventor	Peter C. Zhu
Examiner Name	Not yet assigned
Art Unit	Not yet
Attorney Docket No.	56301P5007

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
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		3 =	X	=

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SUBTOTAL (2)		(\$)	

**or number previously paid, if greater. For Reissues, see below

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1802	1802	900	Request for expedited examination of a design application
Other fee (specify)			
SUBTOTAL (3)		(\$)	

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Name (Print/Type)	Brent E. Vecchia, Reg. No. 48,011	Registration No. (Attorney/Agent)	48,011	Telephone	(303) 740-1980
Signature	<i>Brent E. Vecchia</i>			Date	10-28-04

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 02/10/2004.
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